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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,736	01/09/2004	Gideon Roberts	1578.614	1187

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RESEARCH IN MOTION, LTD
102 DECKER CT.
SUITE 180
IRVING, TX 75062

EXAMINER	
MANOHARAN, MUTHUSWAMY GANAPATHY	
ART UNIT	PAPER NUMBER
2617	
MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/754,736	ROBERTS ET AL.	
	Examiner	Art Unit	
	Muthuswamy G. Manoharan	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 May 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15 and 17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15 and 17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed on 5/8/2007 have been fully considered but they are not persuasive.

Examiner fully disagrees with Apllicant's assertion on Page 7 with the remarks,"Diachina requires a paging message to be sent on two different control channels whereas amended claim requires the notification messages to be sent on the same control channel". Diachina is sending a paging message on the same control channel ("**PCH slot** in a primary superframe", "**PCH slot** in the associated secondary superframe", "specification guaranteed repeat",Col. 10, lines 34-48).

Examiner fully disagrees with Applicant's assertion on Page 8 with the remarks,"In other words, the method of Wiberg cannot predict or foretell when a system change will occur in the future as amended claim 1 requires". Wiberg teaches notification of a system information change that will occur at a predetermined time in the future ("for modification of some system information elements (e.g., reconfiguration of channels), it may be important for mobile stations to know exactly when a change occurs"; Col. 18, lines 1-4).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,4-6, and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Wiberg et al. (hereinafter Wiberg) (US 6628946).

Regarding **claim 1**, Wiberg teaches a method for broadcasting system ("broadcasts", col. 3, line 29) information changes in a mobile telecommunications system 9, the system comprising a network of a plurality of cells and at least one user equipment device, the method comprising, in the network ("valid tag values", Col. 3, line 35):

sending a first message on a control channel indicating notification of a system information change that will occur at a predetermined time in the future ("for modification of some system information elements (e.g., reconfiguration of channels), it may be important for mobile stations to know exactly when a change occurs"; Col. 18, lines 1-4), and sending a repeat of the notification of a system information change("value tag", col. 8, lines 35-40; "repetition interval", Col. 16, line 63), sending on the same control channel, a repeat of the notification of the system information change being in a transmission timing interval (TTI) that occurs before the system change is to be implemented (Col. 16, lines 12-65).

Regarding **claim 2**, Wiberg teaches a method further comprising, when the notification of a system information change indicates that the system information change is to be implemented by a receiving device at a predetermined future time, sending the repeat of the notification of a system information change at a time relative to the predetermined future time (Col. 13, lines 55-63).

Regarding **claim 4,** Wiberg teaches a method wherein the time is equal or less than 50 seconds before the predetermined future time (Col. 16, lines 13-65).

Claims 5 and 6 are rejected for the same reason as set forth in claim 4.

Regarding **claim 10,** Wiberg teachesa method wherein the notification of a system information change indicates that the system information change is to be implemented by a receiving device at a predetermined future time, sending the repeat of the notification of a system information change at a time relative to the predetermined future time (Col. 13, lines 55-63).

Regarding **claim 11,** Wiberg teaches a method wherein the method further comprising sending a plurality of repeats of the notification of a system information change ("high repetition rate", Col. 12, lines 50-55).

Regarding **claim 12,** Wiberg teaches a method wherein the repeats of the notification of a system information change are sent at regular intervals ("predefined repetition rate" that means the repetition is at regular interval, Col. 12, line 54)

Regarding **claim 13**, Wiberg teaches a method according to claim 1 wherein repeat of the notification of a system information change is sent in a SYSTEM INFORMATION CHANGE INDICATION message transmitted on a broadcast control channel ("title", Abstract, "valid tag values").

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-6,10-14,15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diachina (US 6252868) in view over (Wiberg (US 6628946).

Regarding **claim 1**, Diachina teaches a method for broadcasting system ("once the mobile has read the BCCH information, col. 10, line 38) information changes in a mobile telecommunications system 9, the system comprising a network of a plurality of cells and at least one user equipment device, the method comprising, in the network:

sending a first message on a control channel indicating notification of a system information change and sending a repeat of the notification of a system information change ("cell reselection", Col. 10, line 59-60; "mobile station to read overhead messages when locking onto the FOCC and thereafter only when the information has

changed", Col. 7, lines 33-34; "change flags indicating that the system has changed the E-BCCH information", col. 11, lines 21-23), and sending on the same control channel ("**PCH slot** in a primary superframe", "**PCH slot** in the associated secondary superframe", Col. 10, lines 45-48) a repeat of the notification of the system information change in a transmission timing interval (TTI) that occurs before the system change is to be implemented ("if the mobile station properly receives a paging message sent in its PCH slot in a super frame, the mobile can sleep through the entire associated secondary super frame", Col. 10, lines 41-45; "primary super frame of a hyper frame is repeated in the secondary super frame of that hyper frame", Col. 10, lines 35-36; Col. 10, lines 59-65).

Diachina did not teach specifically system information change that will occur at a predetermined time in the future. However, Wiberg teaches in an analogous art wherein system information change that will occur at a predetermined time in the future ("for modification of some system information elements (e.g., reconfiguration of channels), it may be important for mobile stations to know exactly when a change occurs";Col. 18, lines 1-4). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to notify the system information change that will occur at a predetermined time in the future in order to perform the modifications.

Regarding **claim 2**, Diachina teaches all the particulars of the claim except a method according to claim 1 further comprising, when the notification of a system information change indicates that the system information change is to be implemented by a receiving device at said predetermined future time, sending the repeat of the

notification of a system information change at a time relative to the deferred time. However, Wiberg teaches in an analogous art wherein the notification of a system information change indicates that the system information change is to be implemented by a receiving device at a predetermined future time, sending the repeat of the notification of a system information change at a time relative to the predetermined future time (Col. 13, lines 55-63). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method the notification of a system information change indicates that the system information change is to be implemented by a receiving device at a predetermined future time, sending the repeat of the notification of a system information change at a time relative to the deferred time. This modification helps the mobile unit to plan ahead so that the system changes can be implemented.

Regarding **claim 3**, Diachina in view of Wiberg teachers a method according to claim 2. Diachina did not teach specifically a system information change excludes an indication that the system information change is to be implemented by a receiving device at a predetermined future time (Since no indication to include the system information change is to be implemented by a receiving device at a predetermined future time, it is inherent that the above limitation is taught by Diachina).

Regarding **claim 4**, Diachina in view of Wiberg teachers a method according to claim 2. Diachina did not teach specifically a method according to claim 2 wherein the

time is equal or less than 50 seconds before the predetermined future time. However, Wiberg teaches in an analogous art wherein the time is equal or less than 50 seconds before the predetermined future time (Col. 16, lines 13-65). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method wherein the time is equal or less than 50 seconds before the predetermined future time. This modification is clearly a design choice and depends on the type of updates required. Applicant has not provided any evidence why the particular selection is critical to the invention.

Claims 5 and 6 are rejected for the same reason as set forth in claim 4.

Regarding **claim 10**, Diachina teaches all the particulars of the claim except a method according to claim 2 wherein the repeat of the notification of system information change is sent at a time that precedes the predetermined future time. However, Wiberg teaches in an analogous art wherein the repeat of the notification of system information change is sent at a time that precedes the predetermined future time (Col. 16, lines 43-65). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention use the repeat of the notification of system information change is sent at a time that precedes the predetermined future time so that mobile station could update the system information.

Regarding **claim 11**, Diachina teaches all the particulars of the claim except the method further comprising sending a plurality of repeats of the notification of a system

information change. However, Wiberg teaches in an analogous art wherein the method further comprising sending a plurality of repeats of the notification of a system information change ("high repetition rate", Col. 12, lines 50-55). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method further comprising sending a plurality of repeats of the notification of a system information change in order to improve the reliability in communicating the information.

Regarding **claim 12,** Diachina teaches a method wherein the repeats of the notification of a system information change are sent at regular intervals (Col. 10, lines 34-48; The repeat of information is specified at the same location in both the super frames and therefore, no need to inform when the next repeat information will be transmitted. Further, Wiberg also teaches, "predefined repetition rate (Col. 12, line 54)" that means the repetition is at regular interval.)

Regarding **claim 13**, Diachina teaches a method according to claim 1 wherein repeat of the notification of a system information change is sent in a SYSTEM INFORMATION CHANGE INDICATION message transmitted on a broadcast control channel ("change flags", Col. 9, lines 63-67, Col. 10, lines 1-10).

Regarding **claim 14**, Diachina teaches a method according to claim 13 wherein the repeat of the notification of a system information change is sent in an Information

Element "BCCH modification info" contained in a SYSTEM INFORMATION CHANGE INDICATION message ("change flags", Col. 9, lines 63-67, Col. 10, lines 1-10).

Claims 15,17 are rejected for the same reason as set forth in claims 1-14.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diachina (US 6252868) in view over (Wiberg (US 6628946) and further in view of Iersel et al. (hereinafter Iersel) (US 6327468).

Reagrding **claims 7 and 8,** Diachina in view of Wiberg teaches all the particulars of the claim except a method wherein the time is equal or less than 100 milliseconds before the predetermined future time. However, Iersel teaches in an analogous art wherein a method wherein the time is equal or less than 100 (10) milliseconds before the predetermined future time (Col. 6, lines 1-16).

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Diachina (US 6252868) in view over (Wiberg (US 6628946) and further in view of Prila (US 2001/0053684).

Regarding **claim 9**, Diachina in view of Wiberg teaches all the particulars of the claim except a method according to claim 2 wherein the time is equal or less than 5 hours before the predetermined future time. However, Pirila teaches in an analogous art wherein the time is equal or less than 5 hours before the predetermined future time (Paragraph [0023]). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use a method wherein the time is equal or less than 5 hours

before the predetermined future time. This modification is clearly a design choice and is dependent on the type of system information update.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muthuswamy G. Manoharan whose telephone number is 571-272-5515. The examiner can normally be reached on 7:00AM-2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eng George can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GEORGE ENG
SUPERVISORY PATENT EXAMINER